

that discovery should proceed prior to the filing of a motion for summary judgment, they should so notify the Court.

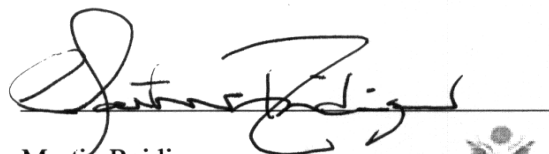
[Doc. 16, at 16].

Unfortunately, the parties have been unable to agree on the issue of discovery. The Defendant has elected to move for summary judgment on the issue of laches and desires to supplement the record. Neither party has placed the administrative and/or investigatory record before the Court.

The Court finds that addressing the issue of discovery first may result in greater judicial economy.

IT IS, THEREFORE, ORDERED that on or before fifteen (15) days from entry of this Order, the Plaintiff may file response not to exceed five (5) double-spaced pages explaining why discovery is necessary on the issue of laches. The Defendant may then file reply not to exceed five (5) double-spaced pages to that response on or before fifteen (15) days from service thereof. **IT IS FURTHER ORDERED** that within fifteen (15) days from the entry of this Order, the Plaintiff shall file the administrative and/or investigatory record with the Court or shall file explanation not to exceed two (2) double-spaced pages why the same may not be so filed.

Signed: September 3, 2010


Martin Reidinger
United States District Judge

